

February 17, 1976

SENATOR KOCH: Well I guess, Senator Cavanaugh, I've been trying to read Article 5 and I've also been trying to read other information that I have. If you will bear with me a moment I will quote here. It says "The general purpose of the alternative amendment provision is to provide something of a safety valve in case the state legislatures are deeply troubled about a matter which Congress refuses to correct by invoking its own power to propose. As long as the states have petitioned only for a limited Convention, it should be within the competence of Congress to issue a call for such a limited Convention". Now this is from the Michigan Law Review. Now here are scholars looking at this same issue. They are saying it should be within the purview of Congress to do this.

SENATOR CAVANAUGH: No, that's probably one law student. I don't know who wrote the article, but....

SENATOR KOCH: Well evidently he may be a scholar in Constitutional history and in interpretation of certain articles.

SENATOR CAVANAUGH: Pardon?

SENATOR KOCH: Evidently he may be recognizes as a scholar on that particular article because he spends a lot of time talking about it.

SENATOR CAVANAUGH: I mean I don't know who the individual is. Very often law review articles are written by law students, which....

SENATOR KOCH: Bright young men, I understand.

SENATOR CAVANAUGH: Yes, but certainly not the final word for this Legislature on this provision of the Constitution.

SENATOR KOCH: And women, I'm sorry.

SENATOR CAVANAUGH: When the Constitution itself says "shall call a Convention for proposing amendments". Now that's English language which, to me, means ... and we're supposed to strictly construe this document generally it is, that means one Convention and numerous amendments, when I read it. In English language.... That's.... If you're going to get away from that you've got to find some other reason somewhere to get away from it. The language would not let you do what Senator Murphy says you can do. In addition to that Senator Murphy doesn't propose specific language so the Convention is free to write what it wants to for problems.

SENATOR KOCH: But the use of the word "plural" is the thing that really bothers you, doesn't it? When it says "amendments".

SENATOR CAVANAUGH: Of course, of course. "A Convention for proposing amendments". What I'm saying to you, Senator Koch, is if you're going to limit that power and say that that power does not mean what it says "amendments" who would do it? Who is superior to that language of the Constitution? We don't have an institution that is. The Congress cannot amend that, cannot say "amendments means one amendment, one specific amendment". The courts cannot say